

**E-Filing**

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Attorneys for Defendants  
 K-M Industries Holding Co. Inc.;  
 K-M Industries Holding Co. Inc. ESOP Plan Committee;  
 and CIG ESOP Plan Committee

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

THOMAS FERNANDEZ and LORA  
 SMITH, individually and on behalf of a  
 class of all others similarly situated,

Plaintiffs,

v.

K-M INDUSTRIES HOLDING CO., INC.;  
 K-M INDUSTRIES HOLDING CO. INC.  
 ESOP PLAN COMMITTEE; WILLIAM E.  
 AND DESIREE B. MOORE REVOCABLE  
 TRUST; ADMINISTRATOR OF THE  
 ESTATE OF WILLIAM E. MOORE,  
 DECEASED; CIG ESOP PLAN  
 COMMITTEE; and NORTH STAR TRUST  
 COMPANY,

Defendants.

) Case No. C06-07339 MJJ  
 )  
 ) STIPULATION AND ~~PROPOSED~~  
 ) ORDER EXTENDING DEADLINE  
 ) FOR ANSWER AND OTHER  
 ) DATES PREVIOUSLY SET BY  
 ) COURT ORDER DATED  
 ) NOVEMBER 29, 2006

WHEREAS, by prior Order dated November 29, 2006, this Court  
 established the following schedule for Rule 26 disclosures, consideration of alternative

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ATTORNEYS AT LAW

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OF COUNSEL TO:  
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OF COUNSEL TO:  
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1 dispute resolution procedures and the initial case management conference:

- 2 a. February 13, 2007: initial meeting of counsel to confer regarding initial  
3 disclosures, early settlement, ADR process selection and discovery  
4 plan;  
5 b. February 27, 2007: Last day to complete initial disclosures, file Case  
6 Management Statement and file Rule 26(f) report;  
7 c. March 6, 2007: initial Case Management Conference to be held at 2:00  
8 p.m. in Courtroom 11, 19th floor.

9 WHEREAS, after service of the complaint on Defendants K-M Industries  
10 Holding Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; CIG  
11 ESOP Plan Committee; and North Star Trust Company in December 2006, a  
12 stipulation was reached between Plaintiffs and those Defendants that the answer date  
13 for those Defendants would be extended to and including January 25, 2007.

14 WHEREAS, additional defendants, the William E. and Desiree B. Moore  
15 Revocable Trust and the Trustees of the William E. and Desiree B. Moore Revocable  
16 Trust, were served through their counsel on January 10, 2007, and their answer date is  
17 currently January 30, 2007.

18 WHEREAS, Defendants believe, as set forth in the attached Exhibit A, the  
19 Declaration of Ronald Lovitt, that it would be beneficial to the orderly and efficient  
20 progress of the case if all defendants had a brief extension of time to prepare answers,  
21 evaluate the merits of early ADR and prepare Rule 26 disclosures;

22 WHEREAS, the Defendants do not seek this extension for delay but rather so  
23 that the value of the initial pretrial procedures required of the parties and ordered by  
24 the Court will be maximized;

25 WHEREAS, Plaintiffs and Defendants have agreed to a brief stipulated  
26 extension of time for the above dates previously set by the Court;  
27  
28

1 Accordingly, IT IS HEREBY AGREED AND STIPULATED by the parties  
2 through their counsel of record that the deadlines set by Court order dated November  
3 29, 2006 shall be extended as follows:

- 4
- 5 a. All defendants will answer the Complaint on or before February 15,  
6 2007;
- 7 b. February 22, 2007: all parties exchange Rule 26(a)(1) initial disclosures  
8 and all of the documents referenced in those disclosures;
- 9 c. March 6, 2007: last day to meet and confer regarding ADR process  
10 selection, discovery plan and joint case management conference statement;
- 11 d. March 13, 2007: last day to file Joint Case Management Statement  
12 pursuant to Rule 26(f);
- 13 e. March 20, 2007: subject to the convenience of the Court, the initial  
14 Case Management Conference will be held at 2:00 p.m. in Courtroom 11, 19th floor.  
15

16  
17 DATED: January <sup>23</sup> 2007

LOVITT & HANNAN, INC.

18  
19  
20 By: 

Ronald Lovitt

21 Attorneys for Defendants K-M Industries Holding  
22 Co., Inc.; K-M Industries Holding Co., Inc. ESOP  
23 Plan Committee; and CIG ESOP Plan Committee  
24  
25  
26  
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OF COUNSEL TO:  
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28DATED: January 23, 2007

HENNIGAN, BENNETT &amp; DORMAN LLP

By: DoHoang T. Duong

DoHoang T. Duong

Attorneys for Defendant William E. And Desiree  
B. Moore Revocable Trust

DATED: January \_\_, 2007

MORGAN LEWIS

By: \_\_\_\_\_

Lisa Scerbin

Attorneys for Defendant North Star Trust  
Company

DATED: January \_\_, 2007

LEWIS, FEINBERG, LEE, RENAKER &  
JACKSON, P.C.

By: \_\_\_\_\_

Todd Jackson

Attorneys for Plaintiffs Thomas Fernandez and  
Lora Smith

Good cause appearing, it is APPROVED: and IT IS SO ORDERED.

DATED: \_\_\_\_\_

Honorable Martin J. Jenkins

UNITED STATES DISTRICT JUDGE

Stipulation and [Proposed] Order

-4-

Case No. C06-07339 MJJ

LOVITT & HANNAN, INC.

ATTORNEYS AT LAW

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OF COUNSEL TO:  
BARTRO, ZANKEL, TARRANT & MILLER P.C.

DATED: January \_\_\_, 2007

HENNIGAN, BENNETT & DORMAN LLP

By: \_\_\_\_\_

DoHoang T. Duong

Attorneys for Defendant William E. And Desiree  
B. Moore Revocable Trust

DATED: January 23 2007

MORGAN LEWIS & BOCKUS LLP

By: \_\_\_\_\_

Lisa Serebin

Attorneys for Defendant North Star Trust  
Company

DATED: January \_\_\_, 2007

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Todd Jackson

Attorneys for Plaintiffs Thomas Fernandez and  
Lora Smith

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Honorable Martin J. Jenkins

UNITED STATES DISTRICT JUDGE



01/23/2007 11:04 1010039/035

LEWIS FEINBERG

PAGE 00/10

OF COUNSEL TO:  
BARTHO, ZANIEL, TARRANT & MILLER P.C.

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By: \_\_\_\_\_

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Attorneys for Defendant William E. And Desiree  
B. Moore Revocable Trust

DATED: January \_\_, 2007

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By: \_\_\_\_\_

Lisa Serebin  
Attorneys for Defendant North Star Trust  
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JACKSON, P.C.

By: Todd Jackson

Todd Jackson  
Attorneys for Plaintiffs Thomas Fernandez and  
Lora Smith

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DATED: \_\_\_\_\_

Honorable Martin J. Jenkins  
UNITED STATES DISTRICT JUDGE

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OF COUNSEL TO:  
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1 DATED: January \_\_, 2007

HENNIGAN, BENNETT & DORMAN LLP

2  
3 By: \_\_\_\_\_

4 DoHoang T. Duong  
5 Attorneys for Defendant William E. And Desiree  
6 B. Moore Revocable Trust

7 DATED: January \_\_, 2007

MORGAN LEWIS

8  
9 By: \_\_\_\_\_

10 Lisa Serebin  
11 Attorneys for Defendant North Star Trust  
12 Company

13 DATED: January \_\_, 2007

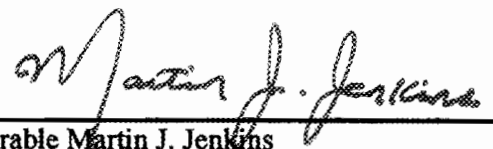
LEWIS, FEINBERG, LEE, RENAKER &  
14 JACKSON, P.C.

15 By: \_\_\_\_\_

16 Todd Jackson  
17 Attorneys for Plaintiffs Thomas Fernandez and  
18 Lora Smith

19  
20 Good cause appearing, it is APPROVED: and IT IS SO ORDERED.

21  
22 DATED: JANUARY 25, 2007

23   
24 Honorable Martin J. Jenkins  
25 UNITED STATES DISTRICT JUDGE